

FIRST REGULAR SESSION

SENATE JOINT RESOLUTION NO. 16

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GROSS.

Read 1st time February 7, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

1500S.011

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 19 and 25(c)(1) of article V of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to judges of the supreme court.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2006, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article V of the Constitution of the state of Missouri:

Section A. Sections 19 and 25(c)(1), article V, Constitution of Missouri, are repealed and two new sections adopted in lieu thereof, to be known as sections 19 and 25(c)(1), to read as follows:

Section 19. Judges of the supreme court [and] **shall be selected for terms of five years, judges** of the court of appeals [shall be selected] for terms of twelve years, judges of the circuit courts for terms of six years, and associate circuit judges for terms of four years.

Section 25(c)(1). Each judge appointed pursuant to the provisions of sections 25(a)-(g) shall hold office for a term ending December thirty-first following the next general election after the expiration of twelve months in the office. Any judge holding office, or elected thereto, at the time of the election by which the provisions of sections 25(a)-(g) become applicable to his office, shall, unless removed for cause, remain in office for the term to which he would have been entitled had the provisions of sections 25(a)-(g) not become applicable to his

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

office. Not less than sixty days prior to the holding of the general election next preceding the expiration of his term of office, any judge whose office is subject to the provisions of sections 25(a)-(g) may file in the office of the secretary of state a declaration of candidacy for election to succeed himself. If a declaration is not so filed by any judge, the vacancy resulting from the expiration of his term of office shall be filled by appointment as herein provided. If such declaration is filed, his name shall be submitted at said next general election to the voters eligible to vote within the state if his office is that of judge of the supreme court, or within the geographic jurisdiction limit of the district where he serves if his office is that of a judge of the court of appeals, or within the circuit if his office is that of circuit judge, or within the county if his office is that of associate circuit judge on a separate judicial ballot, without party designation, reading:

"Shall Judge

(Here the name of the judge shall be inserted) of the

.....

(Here the title of the court shall be inserted) be retained in office?

Yes No

(Mark an "X" in the box you prefer.)"

If a majority of those voting on the question, **or more than one-third for a judge of the supreme court**, vote against retaining him in office, upon the expiration of his term of office, a vacancy shall exist which shall be filled by appointment as provided in section 25(a); otherwise, said judge shall, unless removed for cause, remain in office for the number of years after December thirty-first following such election as is provided for the full term of such office, and at the expiration of each such term shall be eligible for retention in office by election in the manner here prescribed.

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